

REMARKS

Claims 1 through 17 are currently pending in the application.

Claims 7 through 11 have been withdrawn from consideration as being drawn to non-elected invention(s).

This amendment is in response to the Office Action of February 4, 2005.

Information Disclosure Statement(s)

Applicant notes the filing of an Information Disclosure Statement herein on October 12, 2004, and notes that a copy of the PTO-1449 was not returned with the outstanding Office Action. Applicant respectfully requests that the information cited on the PTO-1449 be made of record herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on Hammond et al. (U.S. Patent 5,950,071)

Claims 1 through 3, 5, 6, 12 through 14, 16, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hammond et al. (U.S. Patent 5,950,071).

Applicant asserts that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Brothers v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicant has amended the claimed invention to clearly distinguish over the cited prior art.

Applicant asserts that the Hammond et al. reference does not and cannot anticipate the claimed inventions of independent claims 1 and 12 because the Hammond et al. reference does not identically describe the elements of the claimed inventions in as complete detail as is contained in the claims.

The Hammond et al. reference describes a process for detachment and removal of microscopic contaminant particles from a surface including a pulsed detach light directed at the

surface to excite a contaminant particle thereon at or near its resonant frequency to thereby detach the particle from the surface.

Applicant asserts that the Hammond et al. reference does not identically describe the elements of the claimed inventions in as complete detail in independent claims 1 and 12 calling for “a substrate of semiconductive wafer material having a surface having a roughened surface thereon formed by a laser”, “resist on at least a portion of the surface of the substrate of semiconductive wafer material having a portion thereof removed by etching the resist from the surface of the substrate using a laser”, and “resist located on at least a portion of the surface having a portion thereof removed by etching the resist from the at least a portion of the surface of the substrate using a laser forming a roughened surface on the surface of the substrate of semiconductive material”. In contrast to the elements of the claimed inventions of independent claims 1 and 12, the Hammond et al. reference merely describes describes a process for detachment and removal of microscopic contaminant particles from a surface including a pulsed light directed at the surface to excite a contaminant particle thereon at or near its resonant frequency to thereby detach the particle from the surface. Such is not the claimed inventions of independent claims 1 and 12.

Therefore, claims 1 and 12 are allowable as well as the dependent claims therefrom.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Hammond et al. (U.S. Patent 5,950,071)

Claims 4 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond et al. (U.S. Patent 5,950,071). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant further submits that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

Applicant asserts that claims 4 and 15 are allowable as they depend from allowable independent claims 1 and 12.

Applicant submits that claims 1 through 6 and 12 through 17 are clearly allowable over the cited prior art.

Applicant requests the allowance of claims 1 through 6 and 12 through 17 and the case passed for issue.

Respectfully submitted,



James R. Duzan
Registration No. 28,393
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: May 4, 2005

JRD/ps:lmh

Document in ProLaw